

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Jae-Bon KOO, et al.

Serial No.: 10/823,713

Confirmation No.: 5231

Filed: April 14, 2004

Docket No.: 6161.0123.US

Group Art Unit: 2826

Examiner: SEFER, Ahmed N.

For: **FLAT PANEL DISPLAY**

Mail Stop: AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INTERVIEW SUMMARY FORM

Sir:

Applicants thank the examiner for the telephone interview conducted on September 6, 2006, in which the inapplicability of 37 C.F.R. § 1.68 to the filing of a certified foreign priority document to overcome a reference was discussed. The telephone interview was initiated by Applicants. Specifically, Applicants initiated the telephone interview in response to the Advisory Action mailed August 22, 2006 ("Advisory Action"), the Final Office Action mailed May 5, 2006 ("Office Action") and the Reply timely filed on August 4, 2006 ("Reply"). Further, Applicants thank the examiner for his voice message of September 24, 2006 and his voice message of October 3, 2006, in which the examiner agreed that the Reply was sufficient to overcome the rejections in the Office Action.

During the telephone interview, the following issues were discussed:

In the Office Action, claims 1-4 and 11-12 stood rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U. S. Publication No. 2004/0066147 filed by Park, *et al.* ("Park").

In the Reply, Applicants asserted that Park is an improper reference upon which a rejection under § 102(e) may be based since Park's 35 USC § 102(e) date is later than this application's foreign priority date.

In accordance with 37 CFR § 1.55(a)(1), Applicants timely claimed priority to these foreign applications in the Reply by filing a CLAIM FOR PRIORITY UNDER 35 U.S.C. § 119 IN UTILITY APPLICATION on April 14, 2004, the date of the original filing of the present application. For the purposes of disqualifying Park as a valid reference for the purpose of the present 35 U.S.C. § 102(e) rejection, Applicants timely submitted certified English translations of the foreign application priority documents along with the Reply. Accordingly, Park was properly disqualified as a reference. However, in the Advisory Action mailed on August 22, 2006, the examiner asserted that Applicants' submission of the translated foreign application priority documents was incomplete for failure to be "in accordance with 37 CFR 1.68."

During the interview, Applicants respectfully submitted that the requirements of 37 CFR 1.68, Declaration in Lieu of Oath, are inapplicable to this situation and need not be complied with when filing a certified translation of a foreign priority document. Applicants directed the examiner's attention to 37 CFR § 1.55 and MPEP chapter 201.15, which establish the requirements for filing a certified translation of a foreign priority document to overcome a reference. Neither reference refers to 37 CFR 1.68 as applicable to the filing of a certified translation of a foreign priority document. Moreover, neither 37 CFR § 1.55 nor MPEP chapter 201.15 defines the required statement certifying that the translation is accurate as an "oath." Rather, the statement is referred to simply as a "statement that the translation of the certified copy is accurate." Therefore, Applicants submitted that the certification statements filed on August 4, 2006 along with the translations of the foreign priority documents were complete as filed to overcome Park as a cited reference.

After conducting independent review into these issues, the examiner telephoned Applicants on September 24, 2006 and October 3, 2006. In each instance, the examiner

agreed with Applicants' position that the requirements of 37 CFR 1.68 do not apply to the filing of a certified translation of a foreign priority document. Further, the examiner indicated that the Reply was sufficient to overcome the rejection based on Park.

Applicants thank the examiner for his time and his attention to resolving this matter.

Respectfully submitted,

/hae-chan park/

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Date: October 5, 2006

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